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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,229	03/01/2001	Paul P. Elko	391999514-00	6956

7590 03/30/2005

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EXAMINER

TRAN, HUAN HUU

ART UNIT PAPER NUMBER

2861

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/681,229	ELKO ET AL	
	Examiner	Art Unit	
	Huan H. Tran	2861	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-9 is/are allowed.
- 6) ☒ Claim(s) 10,13-19,24,25,27,28,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 11,12 and 21-23, 26, 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. <u>03242005</u>                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/14/05</u>  | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's Amendment</u>   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Scherer on 02/03/05.

The application has been amended as follows:

In the claims:

Claim 3, line 1, change "claim 2" to "claim 1"

Claim 4, line 1, change "claim 2" to "claim 1".

Claim 21, line 1, change "claim 20" to "claim 19".

Claim 22, line 1, change "claim 20" to "claim 19".

Claim 23, line 1, change "claim 20" to "claim 19".

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claim 19 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wright et al. (US Patent 5688057).

With reference to Figs 1 and 6, Wright et al. discloses a printing device for printing on oppositely facing portions of a medium (P) in a single pass, the printing device comprising:

a feed path for receiving the medium;

a first print head (8a) adjacent a first side of the feed path; and

a second print head (9a) adjacent a second side of the feed path,

wherein the medium (P) is folded (Col. 4, lines 65-67) and the feed path is sized to receive the folded medium.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 13, 14, 15, 16, 17, 18, 23, 24, 25, 27-28, 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. in view of Curtis et al. (US Patent 4509530).

Wright et al. discloses everything (see the explanation given in the rejection of claim 19 above) except that it does not teach that the disclosed printing device being coupled to a medical device.

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However, it is submitted that it is well known in the printing art to couple a printing device to a medical device for printing an output of the medical device such as shown in Curtis et al. (see Fig. 1 which show a 12-lead ECG machine as shown in Fig. 2)

Therefore it would have been obvious to one of ordinary skill in the art to couple the printing device taught by Wright et al. to a medical device as taught by Curtis et al. in order to print the output of the medical device.

As to claims 16 and claim 30, while inkjet printhead is specifically mentioned in the preferred embodiment, it is submitted that the teaching of Wright et al is not limited to inkjet printing but thermal printheads can be used.

As to claims 27-28, it is submitted that while the applied references do not teach or suggest particular dimensions of the feed path and the folded medium it would have been obvious to one having ordinary skill in the art at the time the invention was made to select desired dimensions of the feed path and the folded medium, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

***Allowable Subject Matter***

6. Claim 1, 3-9 are allowed.

7. Claims 11, 12, 21, 22, 26, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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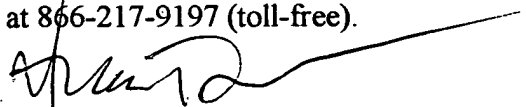
8. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 1, Wright et al does not appear to teach or suggest the limitation "wherein the medium is folded and wherein the printing on oppositely facing portions is done such that when the folded medium is unfolded, the printed information on one portion of the medium correlates with the printed information on the other portion of the medium"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on W-F from 6:30 to 5; T are telework days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huan H. Tran  
Primary Examiner  
Art Unit 2861

hht  
03/24/05